

Appl. No. 10/645,764
Amdt. AF dated August 19, 2005
Reply to Final Office Action of June 21, 2005

REMARKS

Applicant has carefully reviewed the Final Office Action mailed June 21, 2005. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 20-25, previously withdrawn from consideration, have been canceled. Claim 18 has been amended to correct its dependency. No other amendments are presented, and thus no new issues are raised by entry of this After-Final Amendment. Moreover, the amendments made herein reduce the number of potential issues prior to Appeal. Therefore, consideration and entry of this Amendment are respectfully requested.

The Examiner has objected to claim 18 under 37 C.F.R. §1.75(c) as being of improper form, as it depended from a canceled claim. Applicant has amended claim 18, thereby resolving the Examiner's objection. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 1, 2, 6, 8, 10, 12 and 17 under 35 U.S.C. §102(b) as anticipated by Chien et al., U.S. Patent No. 5,891,114. In order to anticipate, the cited reference must disclose each and every claimed element. Chien et al. fail to do so.

As argued previously, the claims describe a braid that is formed from at least two continuous wires that have been woven together. The braid includes a proximal section in which each of the continuous wires has a proximal cross-sectional area and a distal section in which each of the continuous wires has a distal cross-sectional area that is less than the proximal cross-sectional area of the continuous wire. Claim 1 reads, in part "wherein for each continuous wire, the distal cross-sectional area of said continuous wire is less than the proximal cross-sectional area of said continuous wire".

The claim language clearly indicates that each continuous wire has, within the proximal section of the braid, a proximal cross-sectional area. The claim language clearly indicates that each continuous wire has, within the distal section of the braid, a distal cross-sectional area. The claim language clearly indicates that, for each continuous wire, the distal cross-sectional area is less than the proximal cross-sectional area for that continuous wire. Each continuous wire clearly extends from the proximal section of the braid to the distal section of the braid.

The Examiner has asserted that Applicant has argued limitations not found in the claims. In particular, the Examiner has asserted that Applicant has not claimed "...a change in cross-

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sectional area of each of the continuous wires extending through the distal and proximal braid section (sic)..." The Examiner's assertion is incorrect, as discussed above.

The claims clearly describe a braid having at least two continuous wires, in which each continuous wire has a proximal cross-sectional area and a distal cross-sectional area. The claims clearly indicate that for each continuous wire, the distal cross-sectional area is less than the proximal cross-sectional area for that same continuous wire. As the proximal cross-sectional area for a given wire is different from the distal cross-sectional area for that same wire, it is clear that there is a change in cross-sectional area.

Therefore, the pending claims do indeed support the arguments previously made. The claimed invention requires the presence of at least two continuous wires in a braid having a proximal section and a distal section. Each of the continuous wires has a proximal cross-sectional area within the proximal braid section and a distal cross-sectional area within the distal braid section. For each of the continuous wires, the distal cross-sectional area is less than the proximal cross-sectional area for that continuous wire.

Chien et al. do not disclose the claimed invention. The Examiner has pointed to Figures 7 and 8 of Chien et al. Figure 7 of Chien et al. describes a more distal braid (262) that is either an extension of ribbon braid (266) with some of its elements removed or it may be an independent braid that has been placed distally of braid (266). Figure 7 does not meet the claimed requirement regarding a change in cross-sectional area of each of the continuous wires extending through the distal and proximal braid sections.

Figure 8 of Chien et al. also fails to meet the claimed invention. Figure 8 shows a variation in which woven braid (282) is formed of a wire, and is abutted against braid (262). These are distinct sections butted together. Indeed, braid (262) is described as preferably being made from a super-elastic alloy, while braid (282) is described as preferably being made from stainless steel. Clearly, these are distinct sections.

Thus, Chien et al. fail to describe the claimed braid (or catheter) in which there are at least two continuous wires, each wire having a proximal diameter or cross-sectional area and a smaller distal diameter or cross-sectional area. Therefore, Chien et al. cannot be considered as anticipatory. Favorable reconsideration is respectfully requested.

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Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Pu Zhou

By his Attorney,

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